

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Robert Lee Isom, Jr.,

Case No. 8:19-cv-02322-TLW-JDA

PLAINTIFF

v.

Warden Lewis, Captain Lasley, Lieutenant Kelly, Officer Kimball, Officer Lytes, Food Service Director Lim, Captain Harouff, Head Nurse Burgess, Nurse Practitioner Enloe,

Order

DEFENDANTS.

Plaintiff Robert Lee Isom, Jr., proceeding *pro se*, filed this civil action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. ECF No. 1. The Defendants filed a motion to dismiss for failure to state a claim or, in the alternative, for summary judgment. ECF No. 26. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 38.

After reviewing the Complaint and subsequent motions, the magistrate judge issued a *Roseboro* Order advising Plaintiff of the summary judgment/dismissal procedure and the possible consequences if Plaintiff failed to respond adequately and timely to the motion. Despite the *Roseboro* explanation and two extensions of Plaintiff's deadline to respond, Plaintiff has failed to respond to the Defendants' motion. In the Report, the magistrate judge recommends that Plaintiff's case be dismissed pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff did not file

objections to the Report, and this matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 38, is **ACCEPTED**. This action is hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten
Senior United States District Judge

September 24, 2020
Columbia, South Carolina